

James H. Weingarten, DC Bar No. 985070
Peggy Bayer Femenella, DC Bar No. 472770
James Abell, DC Bar No. 990773
Cem Akleman, FL Bar No. 107666
Jennifer Fleury, NY Bar No. 5053178
Meredith R. Levert, DC Bar No. 498245
James Gossmann, DC Bar No. 1048904

Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
Tel: (202) 326-3570

*jweingarten@ftc.gov; pbayerfemenella@ftc.gov;
jabell@ftc.gov; cakleman@ftc.gov;
jfleury@ftc.gov; mlevert@ftc.gov;
jgossmann@ftc.gov*

[Additional counsel identified on signature page in accordance with Local Rule 3-4(a)(1)]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

MICROSOFT CORP.,

and

ACTIVISION BLIZZARD, INC.,

Defendants.

Case No. 3:23-cv-02880

**STATEMENT IDENTIFYING
WITNESSES AND EXHIBITS TO BE
USED JUNE 28, 2023**

Pursuant to the Court's Order Following June 21, 2023 Status Conference (Dkt. 170), Plaintiff Federal Trade Commission respectfully submits this statement identifying the witnesses to be called on June 28, 2023 and the exhibits Plaintiff intends to use with the witnesses.

Plaintiff intends to call Jeff Fisher (by video deposition designation) and Satya Nadella. Defendants have stated their intent to resume the examination of Elizabeth Bailey and call Robert Kotick and Dennis Carlton. Listed below are the exhibits Plaintiff intends to use with Mr.

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Fisher and Mr. Nadella, and the exhibits Plaintiff may use on cross with Dr. Bailey, Mr. Kotick, and Dr. Carlton.

Exhibits Plaintiff intends to use with Mr. Fisher:

Exhibit No.	In camera treatment requested (if any)	Used in
PX7062	Redactions requested; ECF No. 161 at 4	ECF No. 175

Exhibits Plaintiff intends to use with Mr. Nadella:

Exhibit No.	In camera treatment requested (if any)	Used in
PX7010	Redactions requested; Investigational Hearing Transcript	
PX7036	Redactions requested; Deposition Transcript	
PX1260	In camera treatment requested; ECF No. 150 at 11	
PX1274		
PX1746	Redactions requested; ECF No. 150 at 23	
PX1747	Redactions requested; ECF No. 150 at 23	
PX1750	In camera treatment requested; ECF No. 150 at 23	
PX1751	In camera treatment requested; ECF No. 150 at 23	
PX1777	In camera treatment requested; ECF No. 150 at 26	
PX4057	Redactions requested; ECF No. 150 at 19	
PX4066		

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PX9084		
PX9102		
PX9015		
PX9012		

Defendants are calling Activision's Robert Kotick. Plaintiff may use the following documents during cross of Mr. Kotick:

Exhibit No.	In camera treatment requested (if any)	Used in
PX7006	Redactions requested	
PX7035	Redactions requested	
PX2056		
PX2133	In camera treatment requested; ECF No. 148 at 7	
PX9165		
PX9178		
PX9441		
PX2107	In camera treatment requested; ECF No. 148 at 6	
PX9451		
PX9448		
PX2421	Redactions requested; ECF No. 148 at 16	
PX4743		
PX2282	ECF No. 148 at 13	
PX9413		
PX9131		

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PX9033		
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Defendants are calling Dr. Elizabeth Bailey. Plaintiff may use the following documents during cross of Dr. Bailey:

Exhibit No.	In camera treatment requested (if any)	Used in
PX5002		
PX2355		
PX2448		
PX2460		
PX2447		
PX2452		
PX2454		
PX2456		
PX2462		
PX2463		
PX2464		
PX2465		
PX2471		
PX7000		
PX7001		
PX7002		ECF No. 175
PX7003		ECF No. 175
PX7004		ECF No. 175
PX7005		ECF No. 175
PX7006		ECF No. 175
PX7007		ECF No. 175

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PX7008		ECF No. 175
PX7009		
PX7010		ECF No. 175
PX7011		ECF No. 175
PX7012		
PX7014		ECF No. 175

Defendants are calling Dr. Dennis Carlton. Plaintiff may use the following documents during cross of Dr. Carlton:

Exhibit No.	In camera treatment requested (if any)	Used in
PX5004	In camera treatment requested	
PX7078	Redactions requested	
PX7060	Redactions requested; ECF No. 161 at 3	
RX2170	In camera treatment requested; ECF No. 189 at 3	
PX4678		
PX9441		
RX1211	In camera treatment requested; ECF No. 189 at 68	
PX4743	In camera treatment requested; ECF No. 232	
PX7065	In camera treatment requested; ECF No. 219 at 6-7; ECF No. 220 at 5-9	
PX3354	Redactions requested; ECF No. 172	
PX4894	In camera treatment requested; ECF No. 189 at 30	
PX8000	Redactions requested; ECF No. 230 at 27	

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RX1212	In camera treatment requested; ECF No. 189 at 68	
PX9453		

DATED: June 27, 2023

/s/ James H. Weingarten

James H. Weingarten
Peggy Bayer Femenella
James Abell
Cem Akleman
J. Alexander Ansaldo
Michael T. Blevins
Amanda L. Butler
Nicole Callan
Maria Cirincione
Kassandra DiPietro
Jennifer Fleury
Michael A. Franchak
James Gossmann
Ethan Gurwitz
Meredith R. Levert
David E. Morris
Merrick Pastore
Stephen Santulli
Edmund Saw

Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
Tel: (202) 326-3570

*Counsel for Plaintiff Federal Trade
Commission*

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